
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard J. Schneider

Attorney Docket No.: IGT1P328/AC00054-001

Application No.: 10/731,175

Examiner: Nguyen, Thuy-Vi Thi

Filed: December 8, 2003

Group: 3689

Title: SYSTEM FOR HOT MACHINE
NOTIFICATION

Confirmation No.: 5055

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on August 27, 2010.

Signed: /Danielle Jones/
Danielle Jones

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests review of the Final Rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons set out in the Remarks section, which begins at page two of this request.

REMARKS

Applicant's Claimed Invention Would Not Have Been Obvious

Claims 1-8, 15-22 and 28-45 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Publication No. 2003/0220139 (Peterson) in view of U.S. Publication No. 2003/0195031 (O'Donovan et al.). Claims 9-14 and 23-27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Peterson in view of O'Donovan et al. and further in view of U.S. Publication No. 2003/0013527 (Rowe).

The combination of Peterson and O'Donovan et al. does not disclose all the elements of Applicant's claimed invention as set out in independent claims 1, 35, 38, 41 and 45. Thus, a *prima facie* case of obviousness has not been made out.

Claim 1, for example, calls for a method for generating a report concerning gaming machine past payout data. The report includes comparative past payout data. The report is based on historical payout data and selection criteria chosen by a player of a gaming machine. The report allows the player to identify a gaming machine from among a plurality of gaming machines that is more likely to produce an outcome desired by the player. For example, a player may prefer to play a high paying or low paying machine based on a belief that such a machine is more likely to hit a jackpot.

Peterson discloses a gaming machine winning information viewing system that includes a gaming machine coupled to a video display monitor. The video display monitor displays jackpot winning information in real time from the gaming machine. (Abstract, ¶0009). A central control unit 35 collects jackpot winning information and adds the time and date of the last jackpot awarded and the number of jackpots awarded within a selected time period and their amounts. The control unit 35 also transmits optional gaming machine identification data to a video display monitor 30. (¶¶0008-0009, 0018-0019).

O'Donovan discloses a player configurable video gaming machine in which a player may select one or more configuration inputs to play a previously configured default game or to create a new game configuration. (Abstract). More specifically, O'Donovan is directed to a method and device for implementing a menu driven player configurable video game. As such, a player is able to input various configuration criteria for a video game. (¶¶0016-0018). If a particular modification impacts the return of a pre-set pay table of a gaming machine, other configurations of the gaming machine are adjusted to maintain the return of the pre-set pay table. (¶¶0002, 0009-0010, 0023).

Neither reference, however, discloses maintaining a record of past gaming machine payout data for the purpose of generating a report, including comparative past payout data, based on a player's selection criteria such that a player is able to identify a gaming machine from among a plurality of gaming machines that is more likely to produce an outcome desired by the player.

Instead, in Peterson, jackpot winning information is displayed in real time, and no report, based on a player's selection criteria, is generated including comparative past payout data. That is, Peterson relates only "to visual display systems...to display the activities of gambling machines in the casino to their existing and potential customers." (¶0002). A player is unable to input selection criteria in order to select particular payout data for purposes of generating a report including past payout data which allows the player to identify a gaming machine from among a plurality of gaming machines that is more likely to produce an outcome desired by the player.

Further, in O'Donovan et al., a game configuration may be selected by a player. However, a pay table of a gaming machine must be maintained and player input is not used as selection criteria for the purpose of generating a report based on historical payout data which allows a player to identify a gaming machine that is more likely to produce an outcome desired by the player. Rather, as explained in O'Donovan et al., a player is able "to make cosmetic and substantive [changes] to a video game while maintaining pre-set gaming machine pay tables." (¶0002).

Moreover, contrary to what was said in the Final Office Action, the claimed step "which allows the player to identify a gaming machine from among a plurality of gaming machines that is more likely to produce an outcome desired by the player" is not "merely a mental state of the player." (Office Action, pages 11-12). Instead, it is a claimed feature which the prior art does not disclose wherein a player is able to input selection criteria for the purpose of generating a report including comparative past payout data that allows the player to identify a gaming machine that is more likely to produce an outcome desired by the player.

Since this feature and the other features discussed above are not disclosed or suggested in any of the cited references, considered alone or in combination, claim 1 would not have been obvious in view of the cited references. The other independent claims recite features similar to those recited in claim 1. Therefore, those claims would not have been obvious for at least the same reasons as claim 1. The dependent claims include, by virtue of their dependency, the features of the independent claims on which they are based. Thus, the dependent claims would not have been obvious for at least the same reasons as their respective independent claims.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If any fees are due in connection with the filing of this amendment, including any fees due for an extension of time, such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P328/AC00054-001).

Date: August 27, 2010

Respectfully submitted,

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